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# A BILL FOR AN ACT

RELATING TO THE STATE PROCUREMENT POLICY BOARD.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that boards and  
2 commissions provide an opportunity for citizens to have a voice  
3 in government and provide a means to influence decisions that  
4 shape the quality of life for the residents of the State.  
5 However, vacancies on these boards and commissions pose  
6 challenges for some agencies in fulfilling their duties.  
7           The legislature further finds that the state procurement  
8 policy board is one example of vacancies hampering state  
9 processes. The board was formed to adopt, amend, or repeal  
10 administrative rules to carry out and effectuate the purpose and  
11 provisions of the Hawaii public procurement code, which governs  
12 the State's procurement, management, control, and disposal of  
13 any and all goods, services, and construction, and the law  
14 governing the State's purchase of health and human services.  
15 Other duties of the board are to consider and decide matters of  
16 policy, including those referred by a chief procurement officer;  
17 audit and monitor the implementation of its rules and the



1 requirements of applicable statutes; and consider applicants for  
2 the position of the state procurement administrator.  
3 Unfortunately, because of vacancies on the board, vital tasks  
4 are left pending.

5 The purpose of this Act is to:

- 6 (1) Require the governor, president of the senate, and  
7 speaker of the house of representatives to each  
8 appoint two members to the state procurement policy  
9 board;
- 10 (2) Clarify the experience requirements for members of the  
11 board; and
- 12 (3) Repeal the policy board nominating committee.

13 SECTION 2. Section 103D-201, Hawaii Revised Statutes, is  
14 amended by amending subsection (b) to read as follows:

15 "(b) The policy board shall consist of seven members.

16 Notwithstanding the limitations of section 78-4, the members of  
17 the board shall include:

- 18 (1) The comptroller;
- 19 [~~2~~] ~~A county employee with significant high-level~~  
20 ~~procurement experience; and~~



1       ~~(3) Five persons who shall not otherwise be full-time~~  
2           ~~employees of the State or any county;~~  
3       (2) Two members appointed by the governor;  
4       (3) Two members appointed by the president of the senate;  
5           and  
6       (4) Two members appointed by the speaker of the house of  
7           representatives;  
8 provided that at least one member shall be a certified  
9 professional in the field of procurement, at least one member  
10 shall have significant high-level, federal procurement  
11 experience, at least one member shall have significant, high  
12 level experience with chapter 103D, and at least two members  
13 shall have significant experience in the field of health and  
14 human services[-]; provided further that one member shall be a  
15 county employee with significant high level procurement  
16 experience and the remaining six members shall not otherwise be  
17 full-time employees of the State or any county. Each appointed  
18 member shall have demonstrated sufficient business or  
19 professional experience to discharge the functions of the policy  
20 board. ~~[The initial and subsequent members of the policy board,~~  
21 ~~other than the comptroller, shall be appointed by the governor~~



1 ~~from a list of three individuals for each vacant position,~~  
2 ~~submitted by a nominating committee composed of four individuals~~  
3 ~~chosen as follows: two persons appointed by the governor; one~~  
4 ~~person appointed by the president of the senate; and one person~~  
5 ~~appointed by the speaker of the house.]~~ Except as provided in  
6 this section, the selection and terms of the policy board  
7 members shall be subject to the requirements of section 26-34.  
8 No member of the policy board shall act concurrently as a chief  
9 procurement officer. The members of the policy board shall  
10 devote such time to their duties as may be necessary for the  
11 proper discharge thereof."

12 SECTION 3. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on July 30, 2075.



S.B. NO. 2383  
S.D. 2  
H.D. 1

**Report Title:**

Procurement; State Procurement Policy Board Membership;  
Composition; Procurement Policy Board Nominating Committee

**Description:**

Requires the governor, president of the senate, and speaker of the house of representatives to each appoint two members to the state procurement policy board. Clarifies the experience requirements for members of the board. Repeals the procurement policy board nominating committee. Effective 7/30/2075. (HD1)

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